

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Kelly Lyon	Team: Squad #10	CCRB Case #: 201908488	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 09/16/2019 5:00 PM	Location of Incident: § 87(2)(b)	Precinct: 42	18 Mo. SOL 3/16/2021	EO SOL 10/31/2021	
Date/Time CV Reported Wed, 09/25/2019 8:07 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 09/25/2019 8:07 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Juan Peralta	21062	959060	042 PCT
2. POM Imran Alli	10940	955709	042 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Imran Alli	Abuse: Police Officer Imran Alli forcibly removed § 87(2)(b) to the hospital.	§ 87(2)(b)
B.POM Juan Peralta	Abuse: Police Officer Juan Peralta forcibly removed § 87(2)(b) to the hospital.	§ 87(2)(b)
C.POM Imran Alli	Abuse: Police Officer Imran Alli threatened to damage § 87(2)(b)'s property.	§ 87(2)(b)
D.POM Imran Alli	Abuse: Police Officer Imran Alli entered § 87(2)(b) in the Bronx.	§ 87(2)(b)
E.POM Imran Alli	Abuse: Police Officer Imran Alli failed to provide § 87(2)(b) with a business card.	§ 87(2)(b)
F.POM Juan Peralta	Abuse: Police Officer Juan Peralta failed to provide § 87(2)(b) with a business card.	§ 87(2)(b)

### Case Summary

On September 25, 2019, § 87(2)(b) filed this complaint with the CCRB online.

On September 16, 2019, at approximately 5:00 p.m., in the vicinity of § 87(2)(b) in the Bronx, § 87(2)(b) called 911 to file a harassment report against staff members at his building. PO Imran Alli and PO Juan Peralta, of the 42<sup>nd</sup> Precinct, responded to the location. § 87(2)(b) initially answered the door with the chain lock engaged. PO Alli explained to § 87(2)(b) that he needed to go to the hospital and PO Peralta requested EMS (**Allegations A and B: Abuse of Authority – Forcible Removal to Hospital**, § 87(2)(g)). PO Alli told § 87(2)(b) that if he did not open the door that someone would come to take the door and he would be responsible for fixing the door (**Allegation C: Abuse of Authority – Threat to damage property**, § 87(2)(g)). PO Alli placed his foot in the doorway to prevent § 87(2)(b) from shutting his door (**Allegation D: Abuse of Authority – Entry of Premises**, § 87(2)(g)). § 87(2)(b) asked PO Alli and PO Peralta for their business cards and allegedly never received them (**Allegations E and F: Abuse of Authority – Failure to provide RTKA card**, § 87(2)(g)). EMS arrived and transported § 87(2)(b) to the hospital.

This incident resulted in no summonses or arrests.

PO Alli's and PO Peralta's body-worn camera footage was obtained (**BR 01 and BR 02**; *videos*, and **BR 03 and BR 04**; *summaries*). There was no other known video.

### Findings and Recommendations

**Allegation (A) Abuse of Authority: Police Officer Imran Alli forcibly removed § 87(2)(b) to the hospital.**

**Allegation (B) Abuse of Authority: Police Officer Juan Peralta forcibly removed § 87(2)(b) to the hospital.**

**Allegation (C) Abuse of Authority: Police Officer Imran Alli threatened to damage § 87(2)(b)'s property.**

**Allegation (D) Abuse of Authority: Police Officer Imran Alli entered § 87(2)(b) in the Bronx.**

It was undisputed that § 87(2)(b) lived in § 87(2)(b) and that PO Alli informed § 87(2)(b) that he needed to be evaluated, threatened to take § 87(2)(b)'s door down, and put his foot in the doorway. PO Peralta requested an ambulance over the radio.

§ 87(2)(b) consistently stated (**BR 05, BR 06, and BR 07**) that he called the police to file a harassment report against staff members at his building. § 87(2)(b) had asked § 87(2)(b) the facility director at his building, and a case worker, § 87(2)(b), for clinical documentation which they refused to give to him. The meeting lasted 20 minutes and § 87(2)(b) spoke with them in a regular volume.

PO Alli and PO Peralta arrived outside of § 87(2)(b)'s apartment, and he initially spoke to the officers through his door with the chain lock engaged. § 87(2)(b) explained that he wanted to file a harassment report. § 87(2)(b) passed PO Alli his ID through the door and PO Alli put his foot into § 87(2)(b)'s doorway. § 87(2)(b) began closing his door which caused the door to push PO Alli's foot. PO Alli said, "If you do that again, I'll take you out of the apartment. I'll have ESU come take the door off the hinges, and you will have to pay for it." PO Alli explained to § 87(2)(b) that he was instructed to take § 87(2)(b) to the hospital. § 87(2)(b) left his apartment, went downstairs, and provided EMS his medical history. § 87(2)(b) overheard PO Alli tell an EMT that the building's management had informed him that § 87(2)(b) was behaving erratically. § 87(2)(b) was transported to § 87(2)(b) where he heard the EMT explain to the hospital nurse that they were informed he was behaving erratically.

The Prehospital Care Report Summary (**BR 08**) noted that residence staff stated that § 87(2)(b) angrily destroyed the inside of the building's office and spray-painted the stairwell. § 87(2)(b) admitted to having a psychiatric history.

§ 87(2)(b)'s medical records (**BR 09**) from § 87(2)(b) showed that he came to the hospital for a psychiatric evaluation. § 87(2)(b) stated to medical staff that he filed a harassment complaint against his management company and when the officers from the 42<sup>nd</sup> Precinct arrived, the management company accused him of spray painting the inside of the stairwell and of breaking property in the management office. § 87(2)(b) denied damaging property at his building. § 87(2)(b) was diagnosed with "agitation" and released to his home.

§ 87(2)(b) stated (**BR 10**) that on the date of the incident, § 87(2)(b) had asked for his chart. § 87(2)(b) explained that his chart was the property of § 87(2)(b) and the case worker's notes were the property of the case manager. § 87(2)(b) could only access documents that he had signed himself. § 87(2)(b) was upset because § 87(2)(b) refused to provide him with the files that he wanted but § 87(2)(b) did not elaborate. § 87(2)(b) did not independently describe the officer's involvement in this incident or mention any property damage.

An incident report (**BR 11**) prepared by § 87(2)(b) documented that someone spray painted the windows on the exit doors; however, the report did not mention § 87(2)(b). In his 911 call (**BR 12; audio** and **BR 13; summary**) § 87(2)(b) reported that the building was vandalized, and the windows were spray painted, but he did not see who did it.

PO Alli stated (**BR 14**) that he and PO Peralta responded to a call for criminal mischief. Upon arrival, a female manager, identified by the investigation as § 87(2)(b) explained that the building was § 87(2)(b). § 87(2)(b) stated that she had a meeting with § 87(2)(b) during which he knocked over a computer monitor. § 87(2)(b) wanted § 87(2)(b) to be evaluated and explained he was a problematic resident with a mental health record. PO Alli and PO Peralta asked § 87(2)(b) to turn the monitor on and it was working.

PO Alli and PO Peralta went upstairs and spoke to § 87(2)(b) at his door. § 87(2)(b) did not open his door all the way. PO Alli found this concerning and did not want § 87(2)(b) to barricade himself inside the apartment because he could hurt himself or anyone else who may have been in the apartment. PO Alli clarified that he was not sure whether § 87(2)(b) was going to hurt himself but opening the door was a preventative measure and for safety. PO Alli stated that it became an "EDP job" (emotionally disturbed person) when § 87(2)(b) would not open his door and therefore an ambulance was called. PO Alli explained that if he needed to call FDNY or ESU because § 87(2)(b) barricaded himself and refused to open the door, then § 87(2)(b) would have to pay for damages since buildings did not typically cover the cost to fix the door if that were to happen. PO Alli did not independently recollect putting his foot in the door but stated that it would have been to prevent § 87(2)(b) from closing the door and barricading himself inside the apartment.

PO Peralta stated (**BR 15**) that upon arrival, staff informed them that § 87(2)(b) was an EDP and stated that staff called 911 because they felt threatened by § 87(2)(b) after he knocked over the computers. Staff also informed the officers that they believed § 87(2)(b) had graffitied the hallways but did not have video evidence of him doing so. PO Peralta did not recall who the staff members were or what positions they held. PO Peralta believed § 87(2)(b) was a § 87(2)(b). When they went upstairs, PO Peralta described § 87(2)(b)'s demeanor as aggressive and stated he was shouting and there were loud noises coming from the apartment. PO Peralta explained that he and PO Alli called EMS because staff members had wanted § 87(2)(b) to go to the hospital.

The radio run (**BR 16; audio** and **BR 17; summary**) came over as a 39 (crime in progress). The operator stated that it was an EDP event and that the caller stated he was being harassed by an employee. PO Peralta requested EMS at 15:24 minutes in the radio audio when he said, "The 39 is going to be an EDP. Can I have a bus respond to the location no further."

PO Alli's body-worn camera footage (**BR 01**) captured PO Alli talking to § 87(2)(b) through his door. Starting at 3:35 minutes, PO Alli asks § 87(2)(b) if he is on medication and at 4:21 minutes, PO Alli asks if § 87(2)(b) needs medical attention. § 87(2)(b) says that he takes his medication and does not need medical attention, but that the building is not providing social

services such as counseling. At 4:57 minutes, PO Alli asks, “Did you flip the computers downstairs?” § 87(2)(b) denies flipping over the computers. PO Alli continues talking to § 87(2)(b) and asks him to open his door. At 9:13 minutes, PO Alli asks § 87(2)(b) when he last went to the hospital and says, “EMS is going to show up and they’re going to evaluate you.” At 9:31 minutes, PO Alli says, “Somebody’s going to come and take your door down, you’re going to be responsible for fixing this door [...] if you slam the door on my foot again it’s going to be a problem.” PO Alli continues to ask § 87(2)(b) to open the door until EMS arrives at 20:38 minutes. After speaking to an EMT, § 87(2)(b) eventually exits his apartment on his own.

§ 87(2)(b) § 87(2)(g) did not mention being accused of flipping over computers or spray painting the stairwell. § 87(2)(b) denied flipping over the computers in the body-worn camera footage and denied any damage to the building in his statement given to medical staff at § 87(2)(b). PO Alli also observed the computer monitors, which appeared to function properly with no visible damage. PO Peralta had described § 87(2)(b) as aggressive and stated he was yelling; however, the body-worn camera did not capture § 87(2)(b) speaking at a loud volume nor did it capture loud noises coming from § 87(2)(b)’s apartment. § 87(2)(b) the 911 audio showed that the building did not call because they felt threatened, but because there was spray paint on the exit doors, which the building could not confirm was caused by § 87(2)(b) § 87(2)(g).

§ 87(2)(b) PO Alli and PO Peralta both stated that they believed § 87(2)(b) was a rehabilitation building, however, it was § 87(2)(b). The building had a social service staff, but § 87(2)(b) was not a medical professional, she was the facility director.

Patrol Guide procedure 221-13 (**BR 18**) states that when a member of service reasonably believes a person who is apparently mentally ill or emotionally disturbed is conducting themselves in a manner likely to result in serious injury to themselves or others then they may be taken into custody.

In People v Rodriguez, 77 A.D.3d 280 (2010) (**BR 19**), the court found that officers were permitted to make a warrantless of a premises when the officers reasonably believed that there was an emergency which required immediate assistance for the protection of life or property, and that there was a reasonable basis to associate the premises with the emergency at hand.

§ 87(2)(g)

**Allegation (E) Abuse of Authority: Police Officer Imran Alli failed to provide § 87(2)(b) with a business card.**

**Allegation (F) Abuse of Authority: Police Officer Juan Peralta failed to provide § 87(2)(b) with a business card.**

It was undisputed that § 87(2)(b) requested business cards from PO Alli and PO Peralta. Whether PO Alli or PO Peralta provided business cards was disputed.

§ 87(2)(b) stated that when the officers arrived, PO Alli first asked for his ID. § 87(2)(b) then asked PO Alli for his business card. PO Alli told § 87(2)(b) that he would give him his business card after § 87(2)(b) provided his ID and opened the door. At the end of the incident § 87(2)(b) went to the hospital with EMS and the officers did not go with him. § 87(2)(b) stated he never received PO Alli’s business card.

PO Alli stated (**BR 14**) that he did not recall whether he gave § 87(2)(b) a business card by the end of the incident and did not recall if PO Peralta provided one either. PO Alli explained that his body-worn camera was stopped before they brought § 87(2)(b) to the hospital, so he did not know whether he gave § 87(2)(b) one at that point. PO Alli did not independently recall § 87(2)(b) asking for business card. PO Alli did not recall whether he or PO Peralta escorted EMS to the hospital.

PO Peralta (**BR 15**) stated that he did not recall § 87(2)(b) requesting a business card and did not recall if he gave § 87(2)(b) a business card. PO Peralta stated that he did have business cards on him, and he would have given § 87(2)(b) one if he had asked for one.

PO Alli's body-worn camera footage (**BR 01**) captures § 87(2)(b) requesting a business card at 6:02 minutes, when he says, "Does anyone have a card with their badge number on it." PO Alli says, "I can get that for you sir," and PO Peralta says, "We'll give you that." § 87(2)(b) requests a business card a second time at 7:51 minutes, after PO Alli says, "When was the last time you went to the hospital?" § 87(2)(b) responds, "First you give me your card with your badge number." PO Alli says, "I'll give you the card with the badge number if you open your door."

PO Alli and PO Peralta were shown their respective body-worn camera videos during their interviews. After watching the aforementioned body-worn camera clips during his interview, PO Alli explained that the situation had escalated because they were informed that § 87(2)(b) had issues with mental health, and they were having trouble just getting him to comply with identifying himself. It was also a safety issue since they could not see § 87(2)(b) behind his door. PO Alli explained that the priority at this point was to make sure § 87(2)(b) was not barricaded and to get EMS to talk to him and get him out safely. PO Alli did not intentionally refuse § 87(2)(b) a business card.

PO Peralta explained that he did not give § 87(2)(b) a business card when he requested one because he would have had to hand the card to § 87(2)(b) through the door and he did not know whether § 87(2)(b) would slam the door on his hand.

§ 87(2)(g)

#### Civilian and Officer CCRB Histories

- § 87(2)(b) has been a party to seven additional CCRB complaints and named a victim in 21 additional allegations (**BR 20**).
  - § 87(2)(b) [REDACTED]
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
- PO Alli had been a member of service for six years and named a subject in two additional CCRB complaints and two allegations, neither of which were substantiated.
- § 87(2)(g) [REDACTED]

- PO Peralta has been a member of service for five years and this is the first CCRB complaint to which he has been a party.

**Mediation, Civil and Criminal Histories**

- § 87(2)(b) declined to mediate this complaint.
- As of April 16, 2020, the New York City Office of the Comptroller has no record of a Notice of Claim filed in regard to this complaint (**BR 21**).
- § 87(2)(b) [REDACTED]  
[REDACTED]  
[REDACTED] (**BR 22**).

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Squad No.: 10

Investigator:	<u>Kelly Lyon</u> Signature	<u>Inv. Kelly Lyon</u> Print Title & Name	<u>12/3/2020</u> Date
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Squad Leader:	<u>Eric Rigie</u> Signature	<u>IM Eric Rigie</u> Print Title & Name	<u>12/4/2020</u> Date
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Reviewer:	_____ Signature	_____ Print Title & Name	_____ Date
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